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16 Attorneys for Plaintiff
17 RAYMOND S. SAUNDERS

18 **UNITED STATES DISTRICT COURT**

19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 RAYMOND SAMUEL SAUNDERS

21 Plaintiff,

22 v.

23 THE CITY AND COUNTY OF SAN
24 FRANCISCO SHERIFF'S DEPARTMENT;
25 THE CITY OF SAN FRANCISCO, a public
26 entity; and CITY AND COUNTY OF SAN
27 FRANCISCO SHERIFF'S DEPUTY MARIO
28 GARAY,

Defendants.

Case No. 3:11-cv-06322 WHO

**PLAINTIFF'S NOTICE OF FILING
DECLARATION OF RAYMOND
SAUNDERS IN SUPPORT OF
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS**

Date: August 20, 2014
Time: 2:00 pm
Place: Courtroom 2- 17th Floor

Trial Date: April 27, 2015

BRYAN CAVE LLP
560 MISSION STREET, 25TH FLOOR
SAN FRANCISCO, CA 94105

1 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Plaintiff Raymond Saunders respectfully submits the
3 attached declaration in support of his opposition to the defendants' motion to dismiss. While
4 Plaintiff believes that a supporting declaration is unnecessary, Plaintiff offers the attached
5 declaration in support of his Opposition to the Defendants' Motion to Dismiss the First Amended
6 Complaint. The declaration confirms the representations made by Plaintiff's counsel regarding the
7 failure to assert certain claims in Plaintiff's original Complaint.

8 The declaration of Raymond Saunders is attached to this notice as Exhibit 1. Mr. Saunders'
9 previous letter to the Court requesting the appointment of counsel appears in this case as docket
10 entry 17 and is attached for the Court's convenience as Exhibit A to the declaration.

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12 Dated: August 13, 2014

BRYAN CAVE LLP

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By: /s/ Jessica E. Mar

Jessica E. Mar

Attorneys for Plaintiff

RAYMOND S. SAUNDERS

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EXHIBIT 1

BRYAN CAVE LLP

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Attorneys for Plaintiff
RAYMOND S. SAUNDERS

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND SAMUEL SAUNDERS

Plaintiff,

1

THE CITY AND COUNTY OF SAN FRANCISCO SHERIFF'S DEPARTMENT; THE CITY OF SAN FRANCISCO, a public entity; and CITY AND COUNTY OF SAN FRANCISCO SHERIFF'S DEPUTY MARIO GARAY.

Defendants.

Case No. 3:11-cv-06322-WHO

**DECLARATION OF RAYMOND
SAUNDERS IN SUPPORT OF
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS
PLAINTIFF'S STATE LAW CLAIMS**

Date: August 20, 2014
Time: 2:00 pm
Place: Courtroom 2- 17th Floor

Trial Date: April 27, 2015

DECLARATION OF RAYMOND SAUNDERS

I, Raymond Saunders, declare as follows:

1. From October 28, 2011 to April 17, 2014, I was proceeding as a pro se litigant without legal training, consultation with counsel, or access to legal advice in this matter.

2. I wrote a letter to the court dated May 23, 2013 requesting appointment of counsel. In my letter I explained that in the months prior to my request, support from Prisoner Legal Services at San Francisco County Jail #4, where I was held, had dwindled significantly in capacity and that I was unable to get adequate assistance. My letter to the court appears as docket entry 17 for this case. A copy of my letter is attached to this declaration as Exhibit A for the court's convenience.

3. I was appointed counsel by this court on April 17, 2014.

4. The distinctions between my state and federal claims were unknown to me. I proceeded to the best of my ability as a pro se litigant.

5. I had no intention to waive my state law claims. Failure to raise my state law claims was inadvertent and unintentional. I did not fail to raise my state law claims as a strategic litigation choice or in any attempt to prejudice the defendants.

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13th day of August, 2014, at San Bruno, California.

Raymond Saunders
Raymond Saunders

EXHIBIT A

JUN - 7 2013

TO THE HONORABLE JUDGE,

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

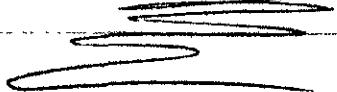
5.23.13

GREETINGS YOUR HONOR, I hope
you having a great day. I'm writing to
you in regards to my case 3:11-6322 EMC.
I have a court date on JUNE 30th, 2013.

And this case has been going on for two (2)
years now, without my having any representa-
tion. I want to know if you could ASSIGN/
Appoint someone to represent me during
this case. I apologize for just now
asking about this. But the P.L.S
(PRISONER LEGAL SERVICE) that comes into
the facility to help us out, has
dwindled down to almost no help at
these past months. So if you could
possibly help me with this situation, I'd
be very grateful.

THANK YOU FOR YOUR TIME AND
CONSIDERATION.

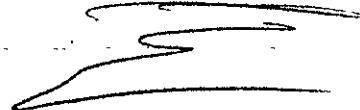
Sincerely,

Raymond S
Sauday

TO WHOM IT MAY CONCERN,

GREETINGS, MY NAME IS RAYMON SAMUEL SAUNDERS. AT THIS POINT AND TIME I'M INCARCERATED IN A SAN FRANCISCO COUNTY JAIL. AND I'M FIGHTING A CIVIL CASE AGAINST A SHERIFF'S DEPUTY. THE CASE # IS CV-11-06322 EHC. I'M ASKING YOU IF IT'S POSSIBLE TO FIND OUT WHO THE PRESIDING JUDGE IS ON MY CASE. AND IF YOU WOULD, PLEASE FORWARD MY LETTER TO HIM/HER. I TRULY APPRECIATE YOUR HELP. THANKS ALOT!

Raymond S.
Saunders



MR. RAYMOND S. SAUNDERS

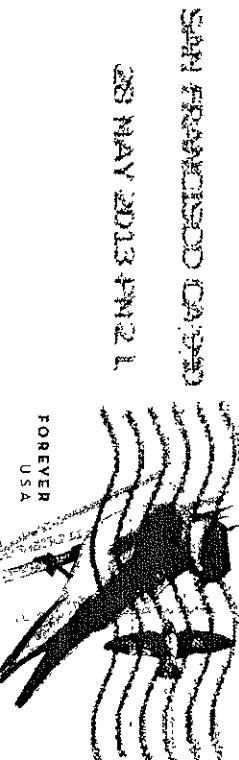
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BRYANT STREET

FRANCISCO, CA. 94103

SAN FRANCISCO CA 94103

28 MAY 2013 4:42 L



Bank Swallow

OFFICE OF THE CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

P.O. BOX 1306

EUREKA, CALIFORNIA 95502

95502130606

Received in
Clerk 5/30/13.

Yours